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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In re* Ex. Parte Application of )

APPLE INC.; APPLE DISTRIBUTION )  
INTERNATIONAL; AND APPLE RETAIL )  
GERMAN B.V. & CO. KG )

Applicants, )

Case No. 7:23-mc-00438

For an Order Pursuant to 28 U.S.C. § 1782 )  
Granting Leave to Obtain Discovery from )  
James Prusko for Use in Foreign )  
Proceedings )

~~PROPOSED~~ ORDER GRANTING *EX PARTE* APPLICATION OF APPLE INC. *ET AL*  
FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782 GRANTING LEAVE TO OBTAIN  
DISCOVERY FOR USE IN A FOREIGN PROCEEDING

This matter comes before the Court in the *Ex Parte* Application of Apple, Inc., Apple Distribution International Limited, and Apple Retail Germany B.V. & Co. KG (collectively, “Apple”) for an Order to Obtain Discovery for Use in Foreign Proceedings pursuant to 28 U.S.C. § 1782(a) (the “Application”), which seeks documents and testimony from James Prusko in connection with a patent litigation proceeding pending between Apple and Scramoge Technology Limited in Germany.

This Court, having fully considered the papers on file and submitted herewith, and good cause appearing, **HEREBY GRANTS** the Application of Apple.

**IT IS HEREBY ORDERED** that:

- (1) Apple is granted leave to issue subpoenas for production of documents and deposition testimony to Mr. Prusko in substantially the same form attached as Exhibits 2 and 3 to the Declaration of Nora Q.E. Passamaneck filed in support of this Application; and
- (2) Along with any subpoenas, Apple shall serve Mr. Prusko with a copy of this Order.

**IT IS SO ORDERED.**

Dated: 11/15/2023



Hon. Nelson S. Román  
United States District Judge

**The Clerk of the Court is directed to terminate the motion at ECF No. 1. The Clerk of the Court is further directed to terminate the case.**